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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/997,622	12/23/1997	WILLIAM E. SALZER	SC10321C	1557

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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

08/997,622

Applicant(s)

Salzer et al

Examiner

Vivek Srivastava

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_\_
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-11, 14, and 18-20 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 12, 13, and 15-17 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 U.S.C. § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1, 9 - 11, 18 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Stranger et al (6,097,435).

Considering claims 1, 9 and 19, Stranger discloses a buffer (fig 4 item 70) for storing a multimedia data stream (data stream comprises audio and video), a first memory circuit having an input coupled to the output of the buffer storage for receiving a first portion of a multimedia data stream (see fig 4 item 76 - audio delay buffer, col 4 line 33 - col 5 line 39 ), a second memory circuit having an input coupled to the output of the buffer storage for receiving a second section of the data stream (fig 1 item 120, video pre-processor receives video portion of stream, processor inherently comprises a memory for video processing, col 4 line 33 - col 5 line 39), a multiplexer circuit coupled to the memory circuits for selecting between the first and second sections to provide an interleaved output (fig 4 item 136, col 4 line 33 - col 5 line 39).

Considering claim 10, Stranger discloses the third memory location (see fig 4 item 70).

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Considering claim 11, Stranger discloses the claimed selecting data stored in the first memory location and data stored in the second memory location (fig 4, data is "selected" from the audio delay buffer 76 and pre-processor 120 for multiplexing).

Considering claim 18, Stranger discloses the claimed multimedia signal (col 4 lines 32 - 54, multimedia met by audio and video).

***Claim Rejections - 35 U.S.C. § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 - 8, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stranger et al (6,097,435)

Regarding claims 4 and 5, Stranger fails to disclose the first and second memory circuit includes a dual port memory. The Examiner Takes Official Notice the use of a dual port memory would have been well known to enable reading data out and writing data in simultaneously thus enabling the outputting of data while data is being written into the memory. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stranger to include the claimed dual port memory to enable reading data out and writing

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data in simultaneously thus enabling the outputting of data while data is being written into the memory.

Regarding claims 6, 7, 8 and 20 Stranger fails to disclose the claimed first and second outputs coupled to control inputs of the first and second memory circuits to receive data from the buffer storage circuit after an amount of data stored in the first or second memory circuit falls below a predetermined value.

The Examiner Takes Official Notice it would have been well known in the art to include a control signal for receiving data after data stored in memory falls below a predetermined value to ensure that the memory has enough storage space to receive data. Therefore, it would have been obvious to include control inputs for receiving data from the buffer storage circuit after an amount of data stored in the first or second memory circuit falls below a predetermined value to ensure that the memory has enough storage space to receive data.

Regarding claim 14, Stranger fails to disclose the claimed transferring data from the third memory location to the first memory location in response to a first control signal and incrementing a first pointer representative of an amount of data stored in the first memory location.

The Examiner Takes Official Notice it would have been well known in the art to include a control signal for receiving data after data stored in a memory falls below a predetermined value to ensure that the memory has enough storage space to receive data and it would have been obvious to one skilled in the art to include the claimed incrementing a first pointer to represent the

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amount of data in the first memory location to indicate if data should be transferred or not. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stranger to include the claimed transferring data from the third memory location to the first memory location in response to a first control signal and incrementing a first pointer representative of an amount of data stored in the first memory location to ensure that the memory has enough storage space to receive data before it is transferred.

### *Allowable Subject Matter*

5. Claims 2, 3, 12, 13, 15, 16, 17 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Citta et al (5,461,619) - system for multiplexed transmission of data

Delpuch et al (5,448,568) - system of transmitting an interactive tv signal

Kondo (6,157,625) - Audio - video signal transmission apparatus

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314, (for formal communications intended for entry)

**Or:**

(703) 308- 5399 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305 - 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

2/15/02



**VIVEK SRIVASTAVA  
PATENT EXAMINER**